

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON TUESDAY, 2003-APRIL-15TH, IN THE BOARD ROOM, CITY HALL,
455 WALLACE STREET, NANAIMO, BC**

PRESENT: Joy Cameron, Acting Chairperson
Dan Hooper
Patricia Portsmouth

STAFF: Chris Sholberg

1. CALL TO ORDER:

The meeting was called to order at 7:00 p.m.

2. APPEAL: BOV00128

APPLICANT: Valerie Bohle (Jamie Leach)

**LOCATION: Legal Description: LOT 3, SECTION 1,
NANAIMO DISTRICT, PLAN 30744
Civic Address: **428 Hamilton Avenue****

PURPOSE: The applicant is requesting that the rear yard setback requirement be reduced from 7.5 metres (24.6 feet) to 1.52 metres (5 feet), in order to construct an accessory building. This represents a variance of 5.98 metres (19.62 feet).

ZONING REGULATIONS:

This property is zoned Single Family Residential Zone (RS-1A) and the appeal seeks to vary the following provisions of "City of Nanaimo Zoning Bylaw 4000"

"Section 5.2.1.1 – Location and Siting Buildings and Structures to Major Roads

Principal or accessory buildings or structures shall not be closer than 7.5 meters (24.6 feet) from a property line that abuts established urban arterials, urban collector roads and provincial highways as designated by the City of Nanaimo Official Community Plan, when dedication has occurred to achieve the required right-of-way width."

DISCUSSION

Ms. Valerie Bohle and Mr. Jaime Leach (Tess Contracting) appeared in support of this appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Joy Cameron, that this appeal be **granted**, subject to a building permit being issued within three months (2003-July-15th).

CARRIED.

3. APPEAL: BOV00129

APPLICANT: Carol Tisdale

LOCATION: **Legal Description:** THE EASTERLY 28 FEET OF THE NORTHERLY 90 FEET OF LOT 16, BLOCK 20, SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic Address: 561 Selby Street

PURPOSE: The applicant is requesting that the side yard setback requirement be reduced from 1.5 meters (4.92 feet) to .47 meters (1.54 feet) in order to reconstruct a kitchen on a foundation, which is non-conforming as to siting. This represents a variance of 1.03 metres (3.38 feet).

ZONING REGULATIONS:

This property is zoned Old City Medium Density Multiple Family Residential Zone (RM-10) and the appeal seeks to vary the following provisions of "City of Nanaimo Zoning Bylaw 4000":

"Section 7.10.6 2 – Yard Requirements

Side yards of not less than 1.5 metres (4.92 feet) shall be provided."

DISCUSSION

Ms. Carol Tisdal appeared in support of this appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that this appeal be **granted**, subject to a building permit being issued within three months (2003-July-15th).

CARRIED.

4. APPEAL: BOV00130

APPLICANT: Mr. and Mrs. S. Smith

LOCATION: Legal Description: LOT 15, SECTION 5,
WELLINGTON DISTRICT, PLAN 23871
Civic Address: 2700 Rock City Road

PURPOSE: The applicant is requesting that the side yard setback requirement be reduced from 7.5 metres (24.6 feet) to 3.0 metres (9.84 feet), in order to construct an addition to a single family dwelling. This represents a variance of 4.5 metres (14.76 feet).

ZONING REGULATIONS:

This property is zoned Single Family Residential Zone (RS-1A) and the appeal seeks to vary the following provisions of "City of Nanaimo Zoning Bylaw 4000"

"Section 5.2.1.1 – Location and Siting Buildings and Structures to Major Roads

Principal or accessory buildings or structures shall not be closer than 7.5 meters (24.6 feet) from a property line that abuts established urban arterials, urban collector roads and provincial highways as designated by the City of Nanaimo Official Community Plan, when dedication has occurred to achieve the required right-of-way width."

DISCUSSION

Mr. Stewart Smith appeared in support of this appeal.

DECISION

MOVED by Patricia Portsmouth, SECONDED by Dan Hooper, that this appeal be **granted**, subject to a building permit being issued within three months (2003-July-15th).

CARRIED.

5. **APPEAL:** **BOV00131**

APPLICANT: **Saywell Contracting Ltd.**

LOCATION: **Legal Description:** LOT 29, SECTION 15, RANGE 4, CRANBERRY DISTRICT, PLAN VIP60041
Civic Address: **1919 Healy Road**

PURPOSE: The applicant is requesting that the height requirement be increased from 8.25 metres (27.06 feet) to 11.75 metres (38.55 feet) in order to construct a single family dwelling. This represents a variance of 3.5 metres (11.48 feet).

ZONING REGULATIONS:

This property is zoned Single Family Residential (Large Lot) Zone (RS-2) and the appeal seeks to vary the following provisions of "City of Nanaimo Zoning Bylaw 4000":

Section 6.2.7 1 – Height of Buildings

The height of a principal building shall not exceed the maximum height shown in the following table:

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>A sloped roof (> than 4:12)*</i>	<i>8.25 metres (27.06 feet)</i>

**for an area of at least 80% of all roof surfaces measured in plan view."*

DISCUSSION

Mr. Don Saywell (Saywell Contracting Ltd.) appeared in support of this appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that this appeal be **granted**, subject to a building permit being issued within three months (2003-July-15th).

CARRIED.

6. **APPEAL:** **BOV00132**

APPLICANT: **Michael Tomkins**

LOCATION: **Legal Description:** LOT 31, DISTRICT LOT 42,
WELLINGTON DISTRICT, PLAN 42252
Civic Address: **5590 Leslie Crescent**

PURPOSE: The applicant is requesting that the side yard setback requirement be reduced from 1.5 meters (4.92 feet) to .811 meters (2.66 feet) in order to construct an open deck in the side yard, which is not permitted in the required yard setback. This represents a variance of .69 metres (2.26 feet).

ZONING REGULATIONS:

This property is zoned Single Family Residential Zone (RS-1) and the appeal seeks to vary the following provisions of "City of Nanaimo Zoning Bylaw 4000":

"Section 6.1.6 2 – Yard Requirements

Side yards of not less than 1.5 metres (4.92 feet) shall be provided."

DISCUSSION

Mr. Michael Tomkins and Ms. Carla Taylor appeared in support of this appeal.

DECISION

MOVED by Patricia Portsmouth, SECONDED by Dan Hooper, that this appeal be **granted**, subject to a building permit being issued within three months (2003-July-15th).

7. **APPEAL:** **BOV00133**

APPLICANT: **Chris and Marianne Erb**

LOCATION: **Legal Description:** LOT 1, BLOCK 5, SECTION
1, WELLINGTON DISTRICT, PLAN 414

Civic Address: 2690 Elk Street

PURPOSE: The applicant is requesting that the floor area ratio be increased from 0.40 to 0.51 in order to increase the floor area of a single family dwelling, under construction. This represents an increase in the floor area of the house from 267.50 square metres (2879.44 square feet) to 338.74 square metres (3646.29 square feet) – a difference of 71.24 square metres (766.85 square feet).

ZONING REGULATIONS:

This property is zoned Single Family Residential Zone (RS-1a), and the appeal seeks to vary the following provisions of “City of Nanaimo Zoning Bylaw 4000”:

“Section 6.1.2.2 – Condition of Use

...On those properties with a sub-designation ‘a’ the floor area ratio of the principle dwelling shall not exceed 0.4...”

DISCUSSION

Mr. Chris Erb appeared in support of this appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that this appeal be **granted**, subject to a building permit being issued within three months (2003-July-15th).

8. MINUTES

MOVED by Dan Hooper, SECONDED by Joy Cameron that the minutes of the meeting held 2003-March-20th be adopted as circulated.

CARRIED

9. ADJOURNMENT

MOVED by Dan Hooper, SECONDED by Joy Cameron that the meeting be adjourned at 7:40 p.m.

CARRIED.

Roger Richer,
Chairperson, Board of Variance

Maureen Pilcher,
Secretary, Board of Variance

pc B.N. Mehaffey, General Manager, Development Services Department
 D. Lindsay, Manager, Planning Division, Development Services Department
 C. Sholberg, Land Use Regulations Planner, Development Services Department
 T. Seward, Manager, Building Inspection Division,
 R. Topliffe, Building Inspection Division
 T. Neil, Engineering Division, Development Services Department.

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